

Minutes
Agricultural & Natural Resources Advisory Committee
Thursday, May 10, 2012, at 9:00 am
Charlotte County Administrative Center
18500 Murdock Circle, Room #B-207
Port Charlotte, FL 33948-1094

MEMBERS PRESENT

Mike Jones, Chairman
Andy Dodd, Vice Chairman
Matthew Sullivan, Jr.
Fred Walters, Secretary
Wes Brumback
Dan Ryals
Orrin Webb

MEMBERS EXCUSED

Chris Hencher

MEMBERS ABSENT

GUEST

Mr. Ron Hamel

STAFF

Joanne Vernon, Assistant County Engineer
Matt Trepal, Staff Liaison
Inga Williams, Principal Planner
Gayle Moore, Recording Secretary

CALL TO ORDER/ROLL CALL/DETERMINATION OF QUORUM

The **May 10, 2012**, meeting of the ***Agricultural and Natural Resources Advisory Committee*** was called to order at 9:03 a.m. by ***Chairman Jones*** who noted that there was a quorum present with the imminent arrival of Mr. Webb, without whom there cannot be the intended election.

[Due to technical issues, the recording of the meeting did not begin until 9:08 a.m.]

ADDITIONS/DELETIONS TO AGENDA

Chairman Jones noted the intended additions to the Old Business agenda category, as well as some updated materials which were handed out by the Chair.

APPROVAL OF MINUTES

Mr. Dodd moved approval of the minutes of the March 8, 2012 meeting, second by ***Mr. Ryals***. The motion carried with a unanimous vote.

COMMISSIONER COMMENTS

Commissioner Duffy reported that she had spoken with Congressman Tom Rooney but not yet to everyone else that would be involved in setting the meeting discussed at the March 8th ANRAC meeting; she indicated she would keep the group updated on the progress.

In addition, she raised the issue of the new excavation ordinance, saying she looked forward to getting everyone's feedback on that issue, and that she had been hearing good things in general about the material. **Commissioner Duffy** also referenced some current controversies the Commissioners are dealing with, including the algae situation at Sunshine Lake, which is similar to an issue Lee Co. had with the Caloosahatchie River; **Mr. Hamel** was able to provide some detail on how Lee County handled that situation.

[Mr. Webb arrived for the meeting at 9:08.]

Further discussion ensued with **Commissioner Duffy** commenting that it had been determined what the substance was (blue-green algae) but not exactly why it had increased so, although she noted that the lake has poor to no circulation, which might be a contributing factor.

NEW BUSINESS

None.

OLD BUSINESS

Review of the written Earthmoving Ordinance

Chairman Jones noted that the actual ordinance going before the Board has been pushed forward; **Ms. Joanne Vernon** responded that the reason for the delay was to continue working on the new fee structure and putting that information online to get further public comment.

Mr. Dodd commented on his review of the rewrite so far, indicating that he appreciated the simplification. Hauling and reclamation were discussed and **Mr. Dodd** asked why the ag excavator should be 'on the hook' for the surety bond, especially when the required plantings (PARS) would be at risk not to survive, and **Mr. Brumback** commented that other agencies typically have their own reclamation plan involved as well. **Mr. Dodd** expanded his question regarding surety, asking whether it was just a surety bond or was it also an irrevocable letter of credit; **Ms. Vernon** indicated it was intended to be and 'either/or' not both. (Attempts to review the ordinance language online ran into technical difficulties.) Further discussion ensued on the reclamation expenses and whether AG operators should be liable for them. **Mr. Brumback** debated in defense of it, noting it's only a problem if someone walks away from the responsibility, but that the process was not burdensome and the fee was not onerous, though it was an annual fee; technical issues only came up when the bonded person needed to change banks. **Mr. Brumback** restated his opinion that AG operators would not walk away from this responsibility.

Chairman Jones encouraged Mr. Brumback to discuss the concerns over the provisions on operating hours; **Mr. Brumback** indicated that his prior comments had been made without reference to the latest version of the code, so that he needed to revisit the review process. That said, he indicated that for operators in remote locations, he had issues with having hours of operation limits imposed just as if there were nearby residential communities like Washington Loop, where it might be appropriate to limit very early or very late operations. He referenced a recent project of his that required working sun-up to sun-down to finish before the rains began; that would not have been possible with time limitations.

Ms. Vernon said the language was being reconsidered for the work itself, but that trucking hours would still be limited. Further discussion ensued between Mr. Brumback and Ms. Vernon as to why the limitation was included. **Mr. Brumback** stated that he didn't want to have to be concerned

about where the material goes; **Commissioner Duffy** asked if any other industries are restricted to trucking at certain times and the consensus was no – citrus or anything else moves 24/7 and so why would excavated material be different. **Ms. Vernon** stated she would get calls from local residents if there was excessive truck traffic, but it was agreed that the matter should be reviewed for possible additional language to specify location criteria (e.g. using I-75 as a division line.) **Chairman Jones** indicated that traffic on Bermont Road was one of the reasons this came up for review in 2007; **Mr. Brumback** responded that there was no present indication that such a high level of economic activity would resume, creating that same level of traffic.

The discussion continued, **Mr. Brumback** noting that the stockpile issues had been resolved; the inspection time limit issue had also been resolved, based on close cooperation between staff and owner/operators. He did inquire if weekends counted to the 72 hours; **Ms. Vernon** confirmed that the time limit would be based on week days.

Chairman Jones called for further comments; none were offered. He then mentioned a grammatical item on page 4, section 3.5.461(9), pointing out there is no “or” after each line item, which would change the intended meaning; the correction was adopted.

Mr. Brumback asked if there had been a lot of civic/community feedback; **Ms. Williams** said she felt as though most comments on the document review site came from one person, but since they are anonymous comments, she couldn’t be certain. **Mr. Dodd** felt that input from the anti-excavation people were obvious by the tenor of their comments; another commenter seemed to be unhappy with the hearing examiner. **Mr. Ed Craig**, a guest representing the Water District, noted the District staff had made some comments, particularly with regard to the District’s authorization processes for certain exempt activities; he also noted that the document included recognition specific to the FARMS program, but emphasized that there are other programs that could also be included. He complimented the interactivity of the document as a way to get the feedback.

Mr. Brumback asked a further question, regarding projects which get done in phases over, e.g., ten years, where SWFWMD funds the first phase; then six-seven years pass, the project is still under permit, but now there is no funding from SWFWMD. Could anyone object if there is not current SWFWMD funding, in other words, could that get challenged on the basis that it’s no longer under the FARMS program? **Ms. Vernon** responded that the Code was being crafted so that scenario would not be an issue. Further discussion ensued on this subject.

Commissioner Duffy asked for clarification on “PARM” and it was defined as “performance assurance for road maintenance”. **Commissioner Duffy** then requested clarification regarding the removal of excavated material from the site, whether or not it can be sold. Staff clarified that sale of the excavated material was not an issue under the Code. **Chairman Jones** further commented that the material has to be sold in order for the excavating to be economical, and the Code language reflects that reality.

Chairman Jones inquired whether the hearing schedule had been set at this point; it has not. It was also confirmed that the fees are being addressed at same time, and that the draft will stay on website and staff will continue responding to comments as they come in; once the fees information is complete, that will be added also.

District Representative Terri Behling asked if staff responses to comments would generate an email or if the person commenting would have to come back to the site to learn if there was a response; staff indicated the commenter would have to return to the site to follow up.

Chairman Jones issued a last call for comments on the topic; hearing none, he reminded members to continue tracking online to see further progress.

The next item to come before the group was the Nominating Committee report; **Chairman Jones** asked if there was anything for ANRAC to act on today? **Mr. Sullivan** responded that there's nothing at this point but that there would be something for next meeting. The item was continued to the July meeting.

CORRESPONDENCE AND COMMUNICATIONS

The Chair commented on the handout materials from Ralph Mitchell, as well as an email from Eric Shaw at DEP announcing the state's water quality review/standards.

PUBLIC COMMENTS

Chairman Jones welcomed the Water District representatives and their comments at today's meeting, and Mr. Hamel as well. **Mr. Hamel** spoke about fighting greening and canker, and whether available monies would be better spent for marketing or to keep focused on diseases. **Mr. Hamel** also noted that the industry is fortunate to get funding from the state for research via foundation funded by grower tax dollars, particularly since there is a new disease in the Hendry/Collier area (black spot) which need improved research.

Chairman Jones addressed comments to the district reps, noting a prior conversation with Eric DeHaven about restructuring of the district staff, and asking for any comments they might have with regard to whether things have settled down or if it seemed that further changes would be coming. **Ms. Behling** suggested that there may be further changes still to come; she did say that the group welcomes industry feedback to ensure that everyone is getting the response they need from District staff, since the consolidations are meant to improve efficiency, not reduce responsiveness. **Chairman Jones** indicated that his experience so far as been fairly positive. **Ms. Behling** also noted that regulatory staff has been working closely with DEP on the roll-out of the new standards. **Chairman Jones** responded, noting proposed changes in approach on this, perhaps going to a single statewide process, rather than people having to go to each individual department.

MEMBER COMMENTS

Mr. Dodd had a question about the impairment of Prairie Creek, specifically whether that referred to dissolved oxygen impairment only? **Chairman Jones** responded regarding the nutrient standards and further discussion ensued on these technical matters. **Mr. Dodd** said he wondered whether the new approach would result in Prairie Creek being taken off the impaired list; **Chairman Jones** responded that would be interesting to see, and would likely depend on how the rule is written. With "highest and best use" considerations involved (not being recreational but agricultural) there is a possibility that impairment could go away; essentially it will come down to the classification of the water body. **Mr. Craig** commented further regarding the scheduled stakeholders meeting on this matter. **Chairman Jones** added that there had been some recent recognition for that Shell/Prairie Creek management program and the positive outcomes. Further discussion ensued on this matter and the impact on the business of agriculture.

STAFF COMMENTS

Matt Trepal spoke briefly about his ongoing research to find existing standards for Farm Labor Housing.

FUTURE MEETING TOPICS

Chairman Jones called for members to suggest any new topics other than elections for future agendas, but none were suggested. **Mr. Dodd** suggested keeping Mr. Jones as Chair and the rest of the slate the way it is now; he said that he did not mean to undercut the nominating committee, but the current line-up really works well. This motion was seconded by **Mr. Ryals** and **Mr. Brumback** offered a "third". **Chairman Jones** called for discussion, passing the gavel to the Vice Chair (Mr. Dodd); upon there being no further discussion, **Mr. Dodd** called the question. The motion passed unanimously and the gavel was passed back to Mike Jones.

Mr. Hamel asked about procedure for changing the bylaws in order to make the process more efficient and to be able to move along without the full complement of commodities seats.

Chairman Jones noted it would not be difficult, it just requires the appropriate language to be produced. Further discussion ensued on this topic, and the point was made that as the purpose of the board is largely to represent the commodities, it somewhat demands the requirement they all be present to move large questions. **Commissioner Duffy** said she supported the notion of the changes. **Mr. Hamel** clarified that he didn't mean to suggest watering down anything, just to increase efficiencies especially with regard to elections.

Mr. Brumback suggested the language for change might be "two of the three commodities present would be sufficient"; the fourth commodity (Arnie Sarlo) was a 'catch-all' category in any event. **Mr. Brumback** said he would be happy to take the matter forward, and requested Mr. Ryals to accompany him on the matter. **Ms. Williams** offered to rewrite the change; there followed a discussion of the rules of procedure and how ANRAC came to be this way; **Chairman Jones** offered a sense of the history of why the commodities were emphasized. Further discussion ensued with **Commissioner Duffy** suggesting a sod company as a possibility for the vacant seat.

NEXT MEETING

❖ July 12, 2012 at 9:00 a.m. in Room B-207

ADJOURNMENT

There being no further business to come before the Committee, **Chairman Jones** called for a motion to adjourn. **Mr. Sullivan** made the motion, seconded by **Mr. Dodd**, and the meeting was adjourned at 9:57 a.m. on a unanimous vote.

Approved by the Committee on:
July 12, 2012

And accepted by the Secretary:
